

Message Text

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ACTION OES-04

INFO OCT-01 EA-07 IO-10 ISO-00 ACDA-05 CIAE-00 INR-07 L-03

NSAE-00 NSC-05 EB-07 NRC-05 FEAE-00 DODE-00 /054 W

----- 067109

R 010755Z OCT 75

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 3704

DEPT OF COMMERCE

USERDA GERMANTOWN

INFO USMISSION IAEA VIENNA

C O N F I D E N T I A L TOKYO 13902

USERDA PASS NRC

E.O. 11652: N/A

TAGS: PARM, TECH, JA

SUBJECT: DEPARTMENT OF COMMERCE NUCLEAR EXPORT REGULATIONS

REF: A. TOKYO 12115

B. STATE 224288

1. MOFA SCIENTIFIC AFFAIRS DIVDIR ETO CALLED IN SCICOUNS ON 9/30 TO DISCUSS STATUS OF JAPANESE CONSIDERATION OF US "SPECIAL ASSURANCE" PROPOSAL CITED REFTEL B. (EMBASSY HAS NOT YET RECEIVED ITS COPY OF PROPOSAL). VIEWS EXPRESSED BY ETO HAVE BEEN TRANSMITTED TO MURAKAMI IN GOJ EMBASSY WASHINGTON FOR REPLYING TO USG, BUT EMPEROR'S VISIT MAY PREVENT USE OF GOJ COMMUNICATIONS FACILITIES TO RETURN USG REACTION. ETO ENCOURAGED USE OF DEPT'S SYSTEM IN THIS EVENT.

2. ETO STATED THAT GOJ "CONCERNED AGENCIES" (I.E., MITI AND STA) ARE PERTURBED ABOUT PRESENCE OF SEVEN ADDITIONAL ITEMS ON COMMERCE EXPORT CONTROL LIST BEYOND THOSE ON ORIGINAL ZANGGER LIST. GOJ NOTES THAT ALL SEVEN ITEMS ARE ON COCOM LIST AND THEREFORE PROPOSES THAT FOR THESE ITEMS GOJ WOULD USE A MITI FORM, "INTERNATIONAL IMPORT CERTIFICATE", AS REQUIRED BY COCOM RULES, BUT IN ADDITION WOULD SHOW ON FORM
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THE INTENDED END-USER IN JAPAN. FOR OTHER ITEMS ON COMMERCE

LIST, GOJ WOULD SUBMIT BOTH THE "SPECIAL ASSURANCES" CERTIFICATE AND THE MITI COCOM FORM.

3. EMBOFF REMINDED ETO THAT COUNTRIES IN ZANGGER COMMITTEE HAD BEEN ADVISED BY USG THAT AGREED LIST WOULD BE CONSIDERED AS MINIMUM LIST BY US AND THAT US RESERVED RIGHT TO ADD TO IT UNILATERALLY. ETO SAID HE RECALLED THIS, AND THAT IT WAS STILL POSSIBLE THAT MITI AND STA WOULD AGREE TO USE OF "SPECIAL ASSURANCES" CERTIFICATE FOR ALL ITEMS ON COMMERCE LIST. HE NOTED THE DEFECT INVOLVED IN USE OF COCOM CERTIFICATE, I.E., THAT IT WOULD NOT DIRECTLY TRIGGER APPLICATION OF PERPETUAL SAFEGUARDS TO NUCLEAR MATERIAL PROCESSED IN OR PRODUCED THROUGH USE OF IMPORTED ITEMS, ALTHOUGH SPECIFIC REFERENCE TO END-USE FACILITIES WOULD LEAD TO IDENTIFICATION OF ALREADY SAFEGUARDED LOCATIONS, SINCE THESE WOULD BE ONLY ONES FOR WHICH LIST ITEMS WOULD BE PROCURED. EMBOFF EXPRESSED DOUBTS THAT USG WOULD BE ABLE TO BUY ONE TYPE OF ARRANGEMENT FOR SOME ITEMS AND ANOTHER TYPE FOR OTHERS. ETO AGREED THAT THIS WOULD BE DIFFICULT FOR US AND EXPRESSED CONFIDENCE THAT MITI AND STA WOULD SOON COME AROUND. FYI: BASED ON INFO FROM INDUSTRY AND STA SOURCES, IT IS MITI AND NOT STA WHICH IS HOLDING BACK. END FYI.

4. PART OF GOJ PROBLEM IN THIS WHOLE EPISODE IS THAT IT HAS NEVER PUBLICLY ACKNOWLEDGED ITS PARTICIPATION IN COCOM OR IN ZANGGER COMMITTEE. THUS GOJ IS CAUGHT ON HORNS OF DILEMMA. ON ONE HAND, NUCLEAR INDUSTRY IS CONCERNED ABOUT SUSPENSION OF SHIPMENTS FROM US AS RESULT OF COMMERCE REGULATION AND THIS CONCERN IS PUBLIC KNOWLEDGE. ON OTHER HAND, GOJ CANNOT REALLY TELL PUBLIC ABOUT ITS ATTEMPTS TO RESOLVE THIS ISSUE BECAUSE IT COULD WELL MEAN REVEALING GOJ INVOLVEMENT IN COCOM, ZANGGER MATTERS, AND EVEN CURRENT NUCLEAR SUPPLIERS MEETINGS. MOFA FEARS THAT GOVERNMENT WILL COME UNDER RIGHT-WING ATTACKS IF THESE MATTERS BECOME GENERALLY KNOWN AND THAT PRIME MINISTER'S AND FOREIGN MINISTER'S EFFORTS TO GET NPT RATIFIED WILL BE THREATENED STILL FURTHER. THIS SENSITIVITY IS REFLECTED IN STATEMENT MADE BY ETO TO EFFECT THAT HE HOPED USG (INCLUDING EMBASSY) WILL NOT ANSWER JAPANESE REPORTERS' QUESTIONS ABOUT WHAT GOJ IS DOING TO GET NUCLEAR SHIPMENTS RELEASED; HE OBSERVED THAT ALL NEWSPAPER REPORTING ON MATTER SO FAR CONTAINED NO CONFIDENTIAL

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INFO DIRECTLY ATTRIBUTED TO GOJ OFFICIALS. FYI: LATEST AND MOST AUTHORITATIVE STORY ON THIS SUBJECT APPEARED IN SEPT 30 ISSUE OF ENGLISH-LANGUAGE JAPAN ECONOMIC JOURNAL ENTITLED "U.S. CONTROL ON NUCLEAR DEVICES POSES DANGER TO JAPANESE FIRMS." NO MENTION IS MADE IN STORY OF GOJ ROLE. END FYI.

5. ETO USED OCCASION OF MEETING TO CALL EMBOFF'S ATTENTION TO ARTICLE APPEARING IN N.Y. TIMES 9/23/75 ENTITLED,

"U.S. SEEKING ATOM-EXPORT PACT IN 1975," BY DAVID BINDER.
STORY WAS ATTRIBUTED TO "HIGH UNITED STATES OFFICIAL" AND
MENTIONS THAT JAPAN IS ONE OF SEVEN SUPPLIER NATIONS. ETO
EXPRESSED CONCERN ABOUT AUTHENTICITY GIVEN TO ARTICLE BY
ATTRIBUTION AND REITERATED MOFA POSITION THAT GOJ INVOLVEMENT
IN SUPPLIERS CONFERENCE WAS BEING KEPT CONFIDENTIAL IN
JAPAN.

6. ETO PROVIDED SCICOUNS WITH LIST OF PENDING NUCLEAR EXPORT
CASES WHICH FALL UNDER DOC REGULATION. LIST CAME FROM DOC
VIA GOJ WASHINGTON EMBASSY. OF 12 CASES ENUMERATED, MOFA IS
UNABLE TO IDENTIFY CONSIGNEE OR END USER IN FOUR. IN OTHER
EIGHT, JAPANESE COMPANIES INVOLVED HAVE MADE KNOWN TO GOJ
THAT THEY ARE THE AFFECTED FIRMS. ETO REQUESTS USG ASSISTANCE
IN IDENTIFYING CONSIGNEE IN FOLLOWING CASES:

CASE NUMBER	DATE	COMMODITY DESCRIPTION	VALUE
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164685	2 JUNE	262 LBS. OF ZIRCONIUM PARTS OF FUEL ASSEMBLY HARDWARE	\$80,000
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164950	4 JUNE	105 LBS. OF ZIRCONIUM	\$ 4,410
165039	4 JUNE	IONIZATION CHAMBERS	\$ 5,884

MOFA UNDERSTANDS THAT DOC TREATS CONSIGNEE INFO AS CONFIDENTIAL
BUT BELIEVES THAT IT SHOULD BE POSSIBLE FOR GOJ TO OBTAIN THIS
INFO THROUGH GOVERNMENT CHANNELS SO THAT "SPECIAL ASSURANCES"
CAN BE PREPARED WHEN INTERNAL PROBLEMS ARE RESOLVED. EMBASSY
BELIEVES THIS SHOWS GOOD FAITH ON MOFA PART IN TRYING TO ADHERE
TO REGULATION AND HOPES INFO CAN BE MADE AVAILABLE.

7. ERDA SCIREP OUT OF COUNTRY AND UNABLE TO PARTICIPATE IN
MEETING.
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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DATA, EXPORT CONTROLS, NUCLEAR FUELS, STRATEGIC TRADE CONTROLS
Control Number: n/a
Copy: SINGLE
Draft Date: 01 OCT 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GarlanWA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
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Disposition Reason:
Disposition Remarks:
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Drafter: n/a
Enclosure: DG ALTERED
Executive Order: GS
Errors: N/A
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ISecure: 1
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Margaret P. Grafeld
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